

Case Name: Daniel Johnson vs. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Thursday, December 6, 2012; at approximately 9:35 p.m.
Briefly provide a description of the incident/event:	<p><u>Daniel Johnson vs. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-051</p> <p>On Thursday, December 6, 2012, at approximately 9:35 p.m., two Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Altadena Station, were driving near the intersection of Harriet Street and Fair Oaks Avenue when they saw a man (the plaintiff's father) discard a lit cigarette onto the street in violation of California Penal Code section 374.4 (a), Littering.</p> <p>When the two deputy sheriffs contacted the man, he was belligerent and verbally abusive. An acquaintance who was with the man during the initial incident summoned the man's son (plaintiff) from a nearby residence.</p> <p>When the plaintiff arrived, he immediately questioned the validity of his father's detention. He, too, became irate regarding the reason for the detention. During the incident, the plaintiff battered one of the two deputy sheriffs and began to flee the area.</p> <p>The two deputy sheriffs attempted to detain the plaintiff for the battery he committed on the deputy sheriff. A violent struggle ensued, and the two deputy sheriffs were forced to use physical force and a TASER device to overcome the assaultive behavior of the plaintiff.</p> <p>The plaintiff was ultimately restrained, handcuffed, and taken into custody.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged he was subjected to excessive force by two members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Altadena Sheriff's Station. The investigation determined "the force used, as reported, was objectively reasonable and necessary. The force used, as documented, was within Department Policy and properly reported." No systemic issues were identified.

While the force used by the two deputy sheriffs was reasonable, necessary, and consistent with Department policy, the performance of one of the two deputy sheriffs involved in the incident could have been better. He was appropriately counselled. In an effort to preclude a recurrence, the Los Angeles County Sheriff's Department's Risk Management Bureau took several related remedial measures:

- On September 11, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau published Field Operations Support Services Newsletter 14-19, *Seated and Backseat Investigative Detentions*, designed to remind and educate members of options and factors to consider when using seated investigative detention and the backseat detention;
- On September 17, 2014, the Los Angeles County Sheriff's Department's Performance Mentoring Committee formally placed the involved deputy sheriff into the Department's Performance Mentoring Program to actively monitor the Department member's professional performance;¹
- On November 25, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau re-published Los Angeles County Sheriff's Department Manual of Policy and Procedures (MPP) section 3-10/000.00, *Preamble to the Use of Force Policy*, to remind all members of their responsibility to "communicate (where applicable) tactical considerations predicated on preventing the use of force whenever possible"; and,
- On November 25, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau re-published Los Angeles County Sheriff's Department's Manual of Policy and Procedures (MPP) section 3-10/005.00, *Force Prevention Principles*, to remind all members of three guiding tenets: 1) "Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort"; 2) "Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible"; and, 3) "When force must be used, deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force necessary for the situation."

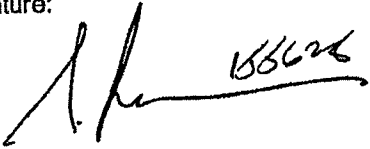
3. Are the corrective actions addressing department-wide system issues?


- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

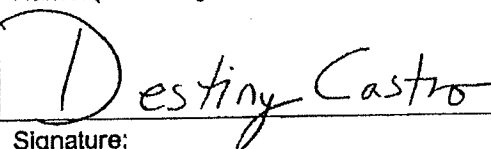
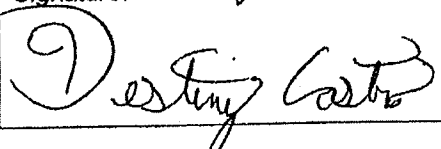
¹ The Los Angeles County Sheriff's Department's Performance Mentoring Program is an intense, proactive, early intervention program designed to "enhance an employee's professional performance through guidance and supervision." Formal participation is for a minimum of two years.

County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 3-16-15

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 03/19/15

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) 	
Signature: 	Date: 3/23/2015